US Army Corps of Engineers

Public Notice

Public Notice No. 07-59 Date: June 15, 2007

Nashville District Application No. 5262600

Please address all comments to:
Nashville District Corps of Engineers, Regulatory Branch
3701 Bell Road, Nashville, TN 37214

JOINT PUBLIC NOTICE
US ARMY CORPS OF ENGINEERS
and
TENNESSEE VALLEY AUTHORITY

SUBJECT: Proposed Bank Stabilization for Shiloh National Military Park, Tennessee River Mile 198.5, Left Bank, Kentucky Lake, Hardin County, Tennessee

TO ALL CONCERNED: The application described below has been submitted for a Department of the Army Permit (DA) pursuant to **Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act (33 U.S.C. 1344)** and a Tennessee Valley Authority (TVA) permit pursuant to **Section 26a of the TVA Act.** Before a permit can be issued, certification must be provided by the state of Tennessee, Department of Environment and Conservation, (TDEC), Division of Water Pollution Control, pursuant to **Section 401(a)(1) of the CWA**, that applicable water quality standards will not be violated. The applicant has applied for the required water quality certification by separate application.

APPLICANT: Shiloh National Military Park
1055 Pittsburg Landing Road
Shiloh, Tennessee 38376

LOCATION: Tennessee River Mile 198.5, Left Bank, Kentucky Lake, within Shiloh National Military Park, Hardin County, Tennessee (USGS Pittsburgh Landing Quad; lat 35-8-41, lon 88-19-08)

DESCRIPTION: The proposed work consists of the bank stabilization of a severely eroding bank within Shiloh National Military Park. A road and causeway constructed by the Civilian Conservation Corps crosses Dill Branch. Erosion has made the causeway unsafe and has necessitated closure of the road. A streambank stabilization program has been ongoing for several years. Currently the areas both upstream and downstream of the causeway have been stabilized and this is the final portion needed to complete the project and allow restoration of the road. The proposed section of

riprap bank stabilization has previously been permitted in November 1999, that was included within the total bank stabilization project. However, the DA permit expired on November 2002. The remaining proposed bank stabilization would be utilized along a total of 550 feet of shoreline as follows:

All unstable bank material would be removed and a stable slope would be constructed using large angular, clean native stone over geotextile material. This method would require excavation of approximately 4,500 cubic yards of material for toe and foundation, and the placement of 6,200 cubic yards of stone below the Normal Summer Pool (NSP) elevation 359.0 for Kentucky Lake. The stone would be placed from top elevation ranging from 385 to 400, to a bottom elevation ranging from 330 to 353, which is at least one foot below the Normal Winter Pool (NWP) elevation of 354.0 for Kentucky Lake. The riprap would extend out into the lake from 30 feet to a maximum of 90 feet from the NSP shoreline. The removal of unstable material and placement of riprap would be performed from a barge. The size of the stone would range from 20 to 700 pounds each, which is heavy enough to resist displacement by river current of wave action. Stabilization of this slope also includes extending an existing concrete culvert.

Plans of the proposed work are attached to this notice.

CURRENT SITE CONDITIONS: The current conditions of the project site are described in detail in an Environmental Assessment titled *Reconstruction and Improvement of Various Roadways and Bridge Replacements*, dated August 2003, prepared by the Federal Highway Administration, and the Section 404(b)(1) Evaluation. Briefly, the waters have been converted by the impoundment of the reservoir from a riverine to a lake environment. Flows are regulated. The substrate is predominantly bedrock, cobble and gravel, and some sand, silt, and clay. There are no known contaminants including metals and a variety of hazardous and toxic chemicals including PCBs.

ALTERNATIVES: Alternatives studied included No Action, stabilizing and repairing the existing culvert and causeway, and stabilizing the shoreline and replacing the causeway with a new bridge. Stabilizing and repairing the existing causeway and culvert has recently been reevaluated and determined to be the most cost effective, most protective, and the least environmentally damaging alternative.

OTHER CONSIDERATIONS: In addition to consideration of other factors of the public interest, the review process will

include application of the guidelines promulgated by the Administrator, Environmental Protection Agency (EPA), under authority of Section 404(b)(1) of the Clean Water Act (40 CFR Part 230). A 404(b)(1) evaluation has been completed and is available for review at the location listed above.

The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the work must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the work will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. A permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Shiloh National Military Park is listed on the National Register of Historic Places. Pursuant to requirements at 36 CFR 800, regulations implementing Section 106 of the National Historic Preservation Act, the US Army Corps of Engineers entered into consultation with the Tennessee State Historic Preservation Officer (SHPO) to determine the effect of the proposed undertaking on the historic properties for the original work. The Tennessee Historical Commission

(THC) responded to the proposed work by letter dated 18 March 2003, stating that the project as proposed will not adversely affect any property that is eligible for listing in the National Register of Historic Places. In addition, The Chickasaw Nation responded by letter dated 25 April 2003, stating they support and concur with the recommendations written in the resource study and the Memorandum of Understanding. Also, copies of this notice are being sent to the office of the State Historic Preservation Officer, the Chickasaw Nation of Oklahoma, the US Department of the Interior, National Park Service, and the President's Advisory Council on Historic Preservation.

The Tennessee Wildlife Resources Agency (TWRA) performed a mussel survey along portions of the Shiloh river frontage between July 21-23, 1998. A total of 24 living species of mussels, including two federally listed species (*Lampsilis abrupta and plethobasus cooperianus)*, were recovered by divers from the series of transects sampled perpendicular to the shore. The distribution data strongly indicated the densest and most diverse populations occurred well out into the river at depths approaching 30 feet. Near shore populations were sparse and not diverse, probably due to the prevailing poor habitat conditions, primarily hard packed clay. The Nashville District, Corps of Engineers, determined that the proposed activity would not likely affect the endangered species. The Corps has agreed with the U.S. Fish and Wildlife Service (USFWS), to employ construction practices and other measures to avoid and/or minimize impacts to these listed species, and has determined that the proposed activity is not likely to adversely affect them. The USFWS responded by letter dated 22 April 2002, stating that collection records do not indicate that federally listed or proposed endangered or threatened species occur within the impact area of the project.

Other federal, state, and/or local approvals required for the proposed work are as follows:

Tennessee Valley Authority (TVA) approval under Section 26a of the TVA Act. In addition to other provisions of its approval, TVA would require the applicant to employ best management practices to control erosion and sedimentation, as necessary, to prevent adverse aquatic impacts.

Water quality certification from the State of Tennessee in accordance with Section 401(a)(1) of the Clean Water Act.

An NPDES Storm Water Construction Permit would be required prior to beginning construction activities.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

Written statements received in this office on or before July 16, 2007, will become a part of the record and will be considered in the determination. Any response to this notice should be directed to the Regulatory Branch, Attention: Amy Robinson, at the above address, telephone (615) 369-7509. It is not necessary to comment separately to TVA since copies of all comments will be sent to that agency and will become part of its record on the proposal. However, if comments are sent to TVA, they should be mailed to Mr. Randy Lowe, TVA, 2835-A East Wood Street, Paris, Tennessee 38242.

If you received this notice by mail and wish to view all of the diagrams, visit our web site at: http://www.lrn.usace.army.mil/cof/notices.htm, or contact Amy Robinson at the above address or phone number.

Dill Branch, USGS Pittsburg Landing (TN) Topo Map
View *TopoZone Pro* topographic maps, aerial photos, street maps, coordinate and elevation display
35° 08' 41"N, 88° 19' 08"W (NAD27)

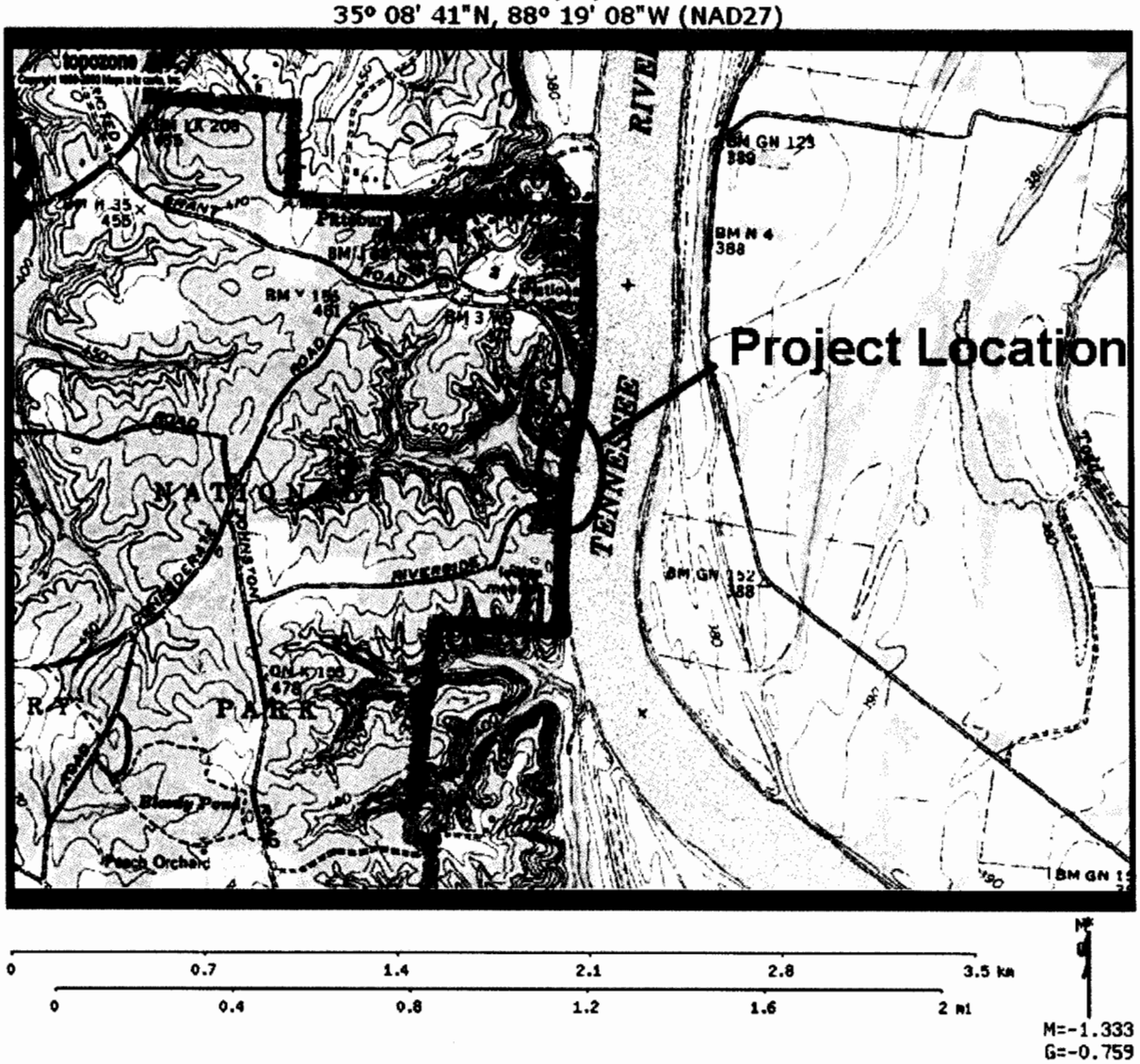

Figure 1

Project Location, Pittsburg Landing Quad

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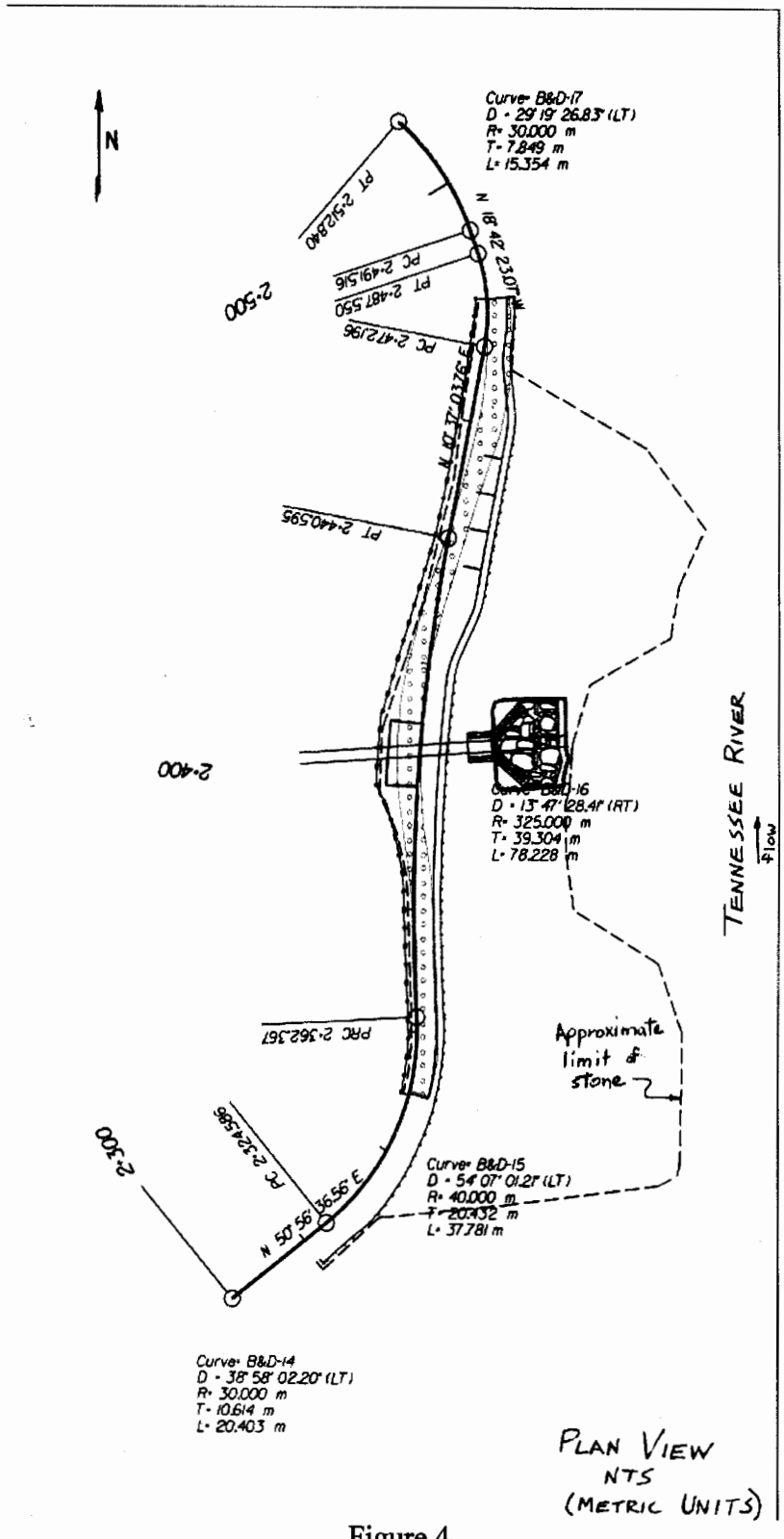

Figure 4
Plan View

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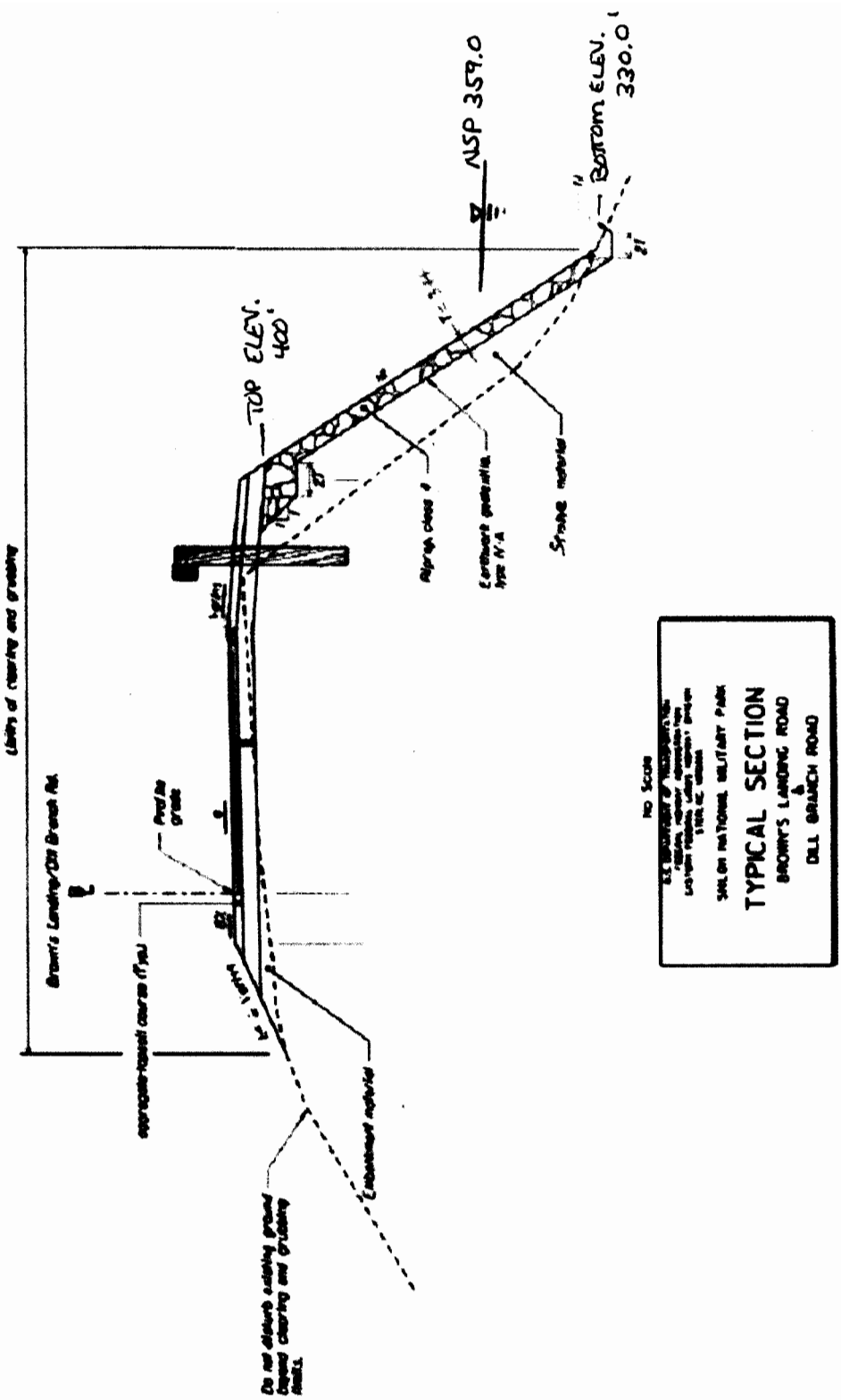

Figure 2
Typical Cross Section

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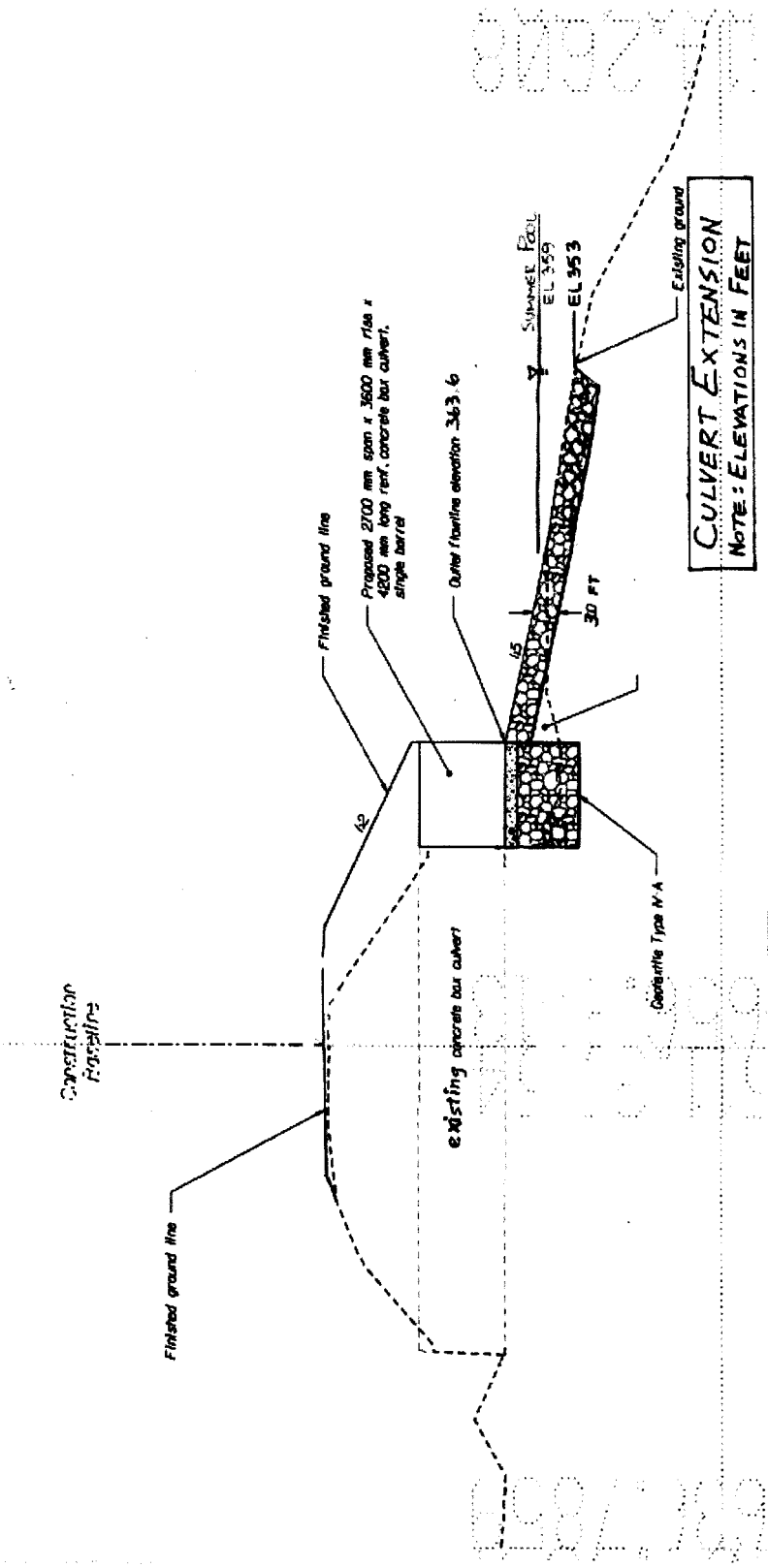

Figure 3
Culvert Extension

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